



Y/C
DSMM& File No. 249160US0X

Dept.:

Serial No. 10/780,640

By: FO/MS/dms

In the matter of the Application of: Taro AOKI, et al.

For: HYPERLIPIDEMIA THERAPEUTIC AGENT

Due Date: N/A

The following has been received in the U.S. Patent Office on the date stamped hereon:

- Dep. Acct. Order Form
- Amendment Under Rule 312
- Short Cover Letter



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Docket No.: 249160US0X

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



RE: Application Serial No.: 10/780,640

Applicants: Taro AOKI, et al.

Filing Date: February 19, 2004

For: HYPERLIPEMIA THERAPEUTIC AGENT

Group Art Unit: 1614

Examiner: Henley

SIR:

Attached hereto for filing are the following papers:

Amendment Under Rule 312

Our check in the amount of **\$-0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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DOCKET NO: 249160US0X

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

TARO AOKI, ET AL. : EXAMINER: HENLEY

SERIAL NO: 10/780,640 :

FILED: FEBRUARY 19, 2004 : GROUP ART UNIT: 1614

FOR: HYPERLIPEMIA THERAPEUTIC :**DATE OF ALLOWANCE: 10/31/05**
AGENT

AMENDMENT UNDER RULE 312

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

It is requested that the subject application, allowed October 31, 2005, be amended as follows:

Amendments to the Specification begin on page 2 of this paper.

Remarks/Arguments begin on page 3 of this paper.

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IN THE SPECIFICATION

Please replace the paragraph beginning at page 4, line 11, with the following rewritten paragraph:

Pitavastatins used in the present invention include the compound pitavastatin ((3R,5S,6E)-7-[2-cyclopropyl-4-(4-fluorophenyl)3-quinolyl]-3,5-dihydroxy-6-heptenoic acid: Japanese Patent No. 2569746, US Patent No. 5856336 and European Patent No. 304063), lactone ring-forming substances thereof and salts of pitavastatin, and the salts of pitavastatin include pitavastatin sodium and pitavastatin calcium. Further, they include hydrates thereof and solvates thereof with solvents which are allowable as medicines. Pitavastatin calcium is the most preferred as of the pitavastatins.

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REMARKS/ARGUMENTS

The subject Rule 312 Amendment seeks to conform the paragraph corrected on July 18, 2005 with the paragraph as corrected in the amendment filed February 15, 2005.

The correcting paragraph filed July 18, 2005 had omitted the earlier correction.

No new issues are raised and the amendment is obviously required. Entry of the amendment is therefore solicited.

Respectfully submitted,

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